

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CR-20-00293-PRW
)	
MARCEL STEWART,)	
a/k/a Marquis M. Stewart,)	
a/k/a Marquis Stewart,)	
a/k/a Marcell M. Stewart,)	
a/k/a Marcel M. Stewart,)	
a/k/a Marcel A-Stewart,)	
a/k/a Marcell Marquis A-Stewart,)	
a/k/a Marcell Marquis Stewart,)	
a/k/a Marcel Marquis Stewart,)	
)	
Defendant.)	

FINAL ORDER OF FORFEITURE

The Court has reviewed the United States' Motion for a Final Order of Forfeiture (Dkt. 38). The Court finds:

Pursuant to Title 18, United States Code, Section 924(d), Title 28, United States Code, Section 2461(c), and Rule 32.2(b)(2), Federal Rule of Criminal Procedure, this Court entered a Preliminary Order of Forfeiture based on defendant's plea providing for the forfeiture of defendant's right, title and interest in the below-described property, and the Court's finding of requisite nexus between the property and the offense committed by the defendant.

- a. SAR ARMS 9mm, SARGUN pistol bearing serial number T110216AC03869;
and
- b. any and all ammunition and magazines not specifically listed.

The Court's Order further directed the United States to provide notice to any persons known to assert an interest, as well as publishing notice stating the intent of the United States to dispose of the property in accordance with the law, and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property.

Notice of this forfeiture and the requirements for filing a claim for the property was published on the government's website at www.forfeiture.gov for thirty (30) consecutive days beginning on March 12, 2021, and ending on April 10, 2021, for at least 18 hours per day. A copy of the Preliminary Order of Forfeiture was also provided to the following parties:

- a. Brett Behenna, attorney representing the defendant, by Notice of Electronic Filing on March 11, 2021. (*See* Doc. No. 26);
- b. Marcel Stewart, Defendant, by personal service via the USMS, on April 8, 2021. (*See* Doc. No. 38-2, USM-285, Process Receipt and Return form); and
- c. (c) Dawntrea Diane Mann, potential claimant, by certified mail, receipt number 7020 1810 0001 8066 3049, was returned by U.S. Postal Service, marked "Return to Sender – Attempted - Not Known". (*See* Doc. No. 38-3, Return Envelope and Certified Mail Receipt).

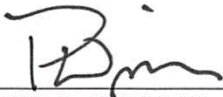
It appears from the record that no third party made any claim to or declared any interest in the above-described forfeited property as required by the ancillary provision of 21 U.S.C. § 853(n). Therefore, any third-party interests are barred by failure of those parties to file a petition.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the right, title and interest to the property described above is hereby condemned, forfeited and vested in the United States of America, free and clear of the claims of any person, including, Marcel Stewart, and shall be disposed of according to law.

That upon entry of this order, the Bureau of Alcohol, Tobacco, Firearms and Explosives is directed to deliver the above-described property to the United States of America for disposition according to law.

IT IS FURTHER ORDERED that the United States District Court shall retain jurisdiction in the case for the purposes of enforcing this Order.

IT IS SO ORDERED this 2nd day of August 2021.



PATRICK R. WYRICK
UNITED STATES DISTRICT JUDGE